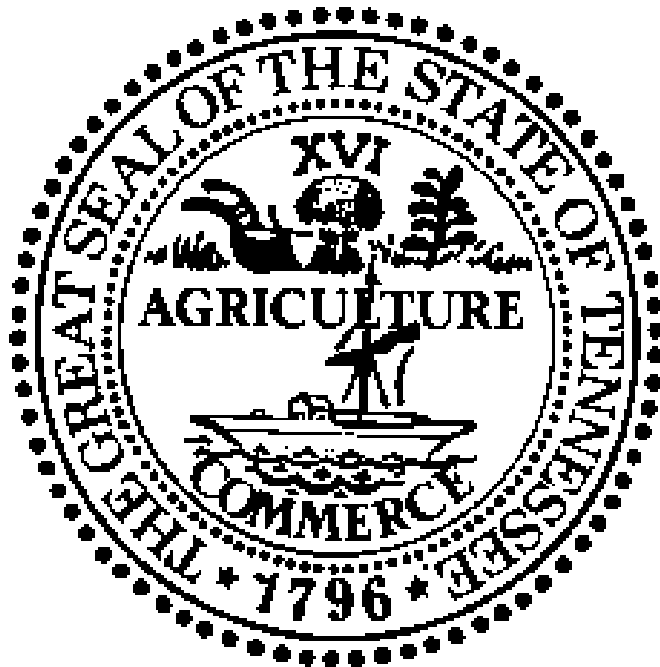


New Employee Orientation



Department of Personnel

State of Tennessee

October 2006

This handbook is not intended to state contractual terms and does not constitute a contract between the State of Tennessee and its employees, applicants for employment, or parties who do business with the State of Tennessee. This handbook is provided only as guidance to employees. This document is also not a complete review of Personnel Policies and Procedures that govern the day-to-day functions of state government. However, this document should provide answers to many of your questions about your department, your personal responsibilities, and the benefits of working for the State of Tennessee.

For additional information regarding the Rules of the Tennessee Department of Personnel, please contact your agency's personnel office or go to the Department of Personnel's web site at www.state.tn.us/sos/rules/1120/1120.htm.

STATE OF TENNESSEE NEW EMPLOYEE HANDBOOK

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NEW EMPLOYEE ORIENTATION

Management's Role

When employees enter a new work situation, regardless of how many years they have been in the workforce, they may experience a type of cultural shock. Each organization has a different culture, and state government is no exception.

Orientation is more than having a new employee read a manual and sign appropriate employment papers. It must be a continuing process. To be successful, orientation must be a joint effort between the supervisor and the personnel office. It is important that we point new employees in the right direction to harness the energy and enthusiasm they bring to the new job. When a person comes to work for the state, it usually involves a considerable personal, financial, and social investment. We can help that person find success by making the adjustment as smooth as possible.

On the first day of employment, the immediate supervisor, personnel officer, or another designee should discuss the following topics with the employee.

1. Working hours
2. Breaks and lunch periods
3. Location of facilities
 - a. Restrooms
 - b. Public telephones
 - c. Lunch and break areas
 - d. Smoking policy (where applicable)
4. Health and safety considerations
 - a. Physical safety procedures
 - b. Fire escapes
 - c. Exits (layout of building)
 - d. Procedures for fire drills
 - e. First aid kits
 - f. Procedures for reporting fires, bomb threats, or other emergencies. (A small card listing emergency numbers and other critical data that the employee can affix to the desk or work surface is helpful.)
5. Paydays and the method of payment (Direct Deposit)
6. Location of the work area (if unclear in the job context)
7. Information on when, where, and how formal organizational orientation is conducted

8. Leave accrual, use of leave, and timesheets
9. Reporting absences and requesting leave, including when and who to call in case of illness, tardiness, etc. (including office phone numbers)
10. Information on parking, bus stops, car pooling, etc.
11. How to operate the phone system
 - a. How to answer the phone in that particular work area
 - b. Rules for receiving and making personal calls
 - c. How to be reached in case of an emergency
12. Who to go to for supplies and other equipment
13. Basic security requirements and procedures for handling confidential material and/or information to the degree that ensures the new employee does not incur a violation
14. Dress code (if required) and behavior specific to that department or office

Within the first week of employment, the immediate supervisor, personnel officer, or other designee should discuss with the employee the **New Employee Checklist**. Ensure adequate time to give a clear understanding of the information and answer all of the employee's questions. When completed, place the signed document in the employee's official personnel file.

As you can see, this represents a great deal of information for one individual to absorb in one day. The employee may reach information overload when you add key procedures, as well as introductions to co-workers and on-the-job training. With this in mind, schedule discussion items throughout the day. This allows for gradual absorption. In some organizations, a physical walk-through, including key locations and facilities, helps give the overall framework needed for putting the pieces of the organization in place. Having names, phone numbers, etc., typed on a card for the employee is also helpful.

Physical and Emotional Comfort

The new employee may be nervous on the first day so a sincere welcome is certainly in order. Whether the person feels comfortable coming to the supervisor with problems in the future might be subconsciously determined within the first moment of meeting.

Planning ahead for the arrival of new employees also demonstrates concern. A clean workspace with needed equipment and office supplies can contribute to an effective welcome. A new employee's name affixed outside the workstation, even if done on a piece of paper, and keys ready in advance (if appropriate) signifies that the new employee is worth some advanced planning.

Day one lays the foundation for a good beginning but the next four days are also important to ensure growth in self-assurance, comfort, and productivity. The supervisor should continue to interact with the employee to keep the new person's interest, curiosity, and enthusiasm at a high level.

You are now ready for the formal New Employee Orientation. The Checklist is helpful when used along with any department specific information the employee needs for success. Important information to share might include an organizational chart, a brief overview of the department, the department's mission statement and an office telephone directory. Provide all written material (booklets for insurance, retirement, flexible benefits, deferred compensation, etc.) at this time and make the employee aware of all required timeframes for completing the enrollment process for the various benefits.

Have a follow up meeting the second week of employment to answer questions and complete any required paperwork. A thirty-day follow up meeting helps identify and resolve any areas of concern for the employee or the supervisor.

The Department of Personnel developed the New Employee Orientation handbook to serve as a guide during the employee's orientation period. The immediate supervisor, personnel officer, or other designee may use this handbook to guide discussions on topics ranging from the employee's compensation, benefits, and state employment practices to health and safety information. In addition, the handbook provides information pertaining to management's expectations for an employee's conduct, including disciplinary and grievance procedures. The information in this handbook serves as an effective reference manual throughout the employee's career with state government.

The New Employee's Role

Welcome and congratulations on becoming an active member of your team with the state's largest employer, state government. The intent of this handbook is to provide you with the basic information needed for a successful beginning as a new state employee and is yours to keep.

You will notice the orientation handbook contains a "New Employee Checklist" that serves as a road map for your orientation discussions with your supervisor and other key employees within your organization. As you complete each discussion, simply initial the topic to indicate your understanding of the information provided.

The handbook contains a table of contents and you will receive information on these various topics. If possible, read through this handbook prior to receiving the specific briefing from your supervisor or other key staff. This will increase your understanding and you can write down any questions relative to your situation.

You can find specific program criteria and other general information regarding benefits, programs, etc., with the web addresses provided for many of the topic areas. If you encounter any orientation topics or areas of concern not addressed in this orientation handbook, please contact your department's personnel officer for immediate assistance and resolution. We look forward to sharing in your success with your new opportunity.

COMPENSATION

Pay Periods

Your paydays occur twice monthly and fall on or about the middle and last day of the month. Each paystub you receive shows payment for the previous work period rather than the period just completed. You receive your pay by direct deposit to your account with a paystub by mail. If a payday falls on a weekend or a holiday, you are paid on the nearest working day in advance of that date.

Direct Deposit

Direct deposit is a requirement of employment unless otherwise exempted by the Departments of Personnel and Finance and Administration. With direct deposit, your pay is automatically deposited to your account in any financial institution that is a member of the Federal Reserve Network and you receive a non-negotiable paystub instead of a regular paycheck. An itemized statement of gross pay, deductions, net pay, and other items are included on the paystub. It takes approximately 2 pay periods to set up direct deposit. During this time, your paycheck is mailed to your home address. To receive additional information about direct deposit, talk to someone in your personnel/payroll office.

Deductions

The deductions from your pay are either mandatory or voluntary. Mandatory deductions include federal income tax (withholding) and social security contributions (FICA). The amount of federal income tax withheld from your gross earnings depends upon your salary and how many dependents you choose to claim each year. FICA is deducted from your gross salary at a fixed rate.

Voluntary deductions requiring your authorization include your health, dental, accident and life insurance premiums, deferred compensation, donations to the Tennessee Employees Charitable Campaign, purchase of U.S. Savings Bonds, flexible benefits, and other state approved special deductions. Your deductions for insurance premiums are determined by the coverage you have and the salary you earn. The amount of other deductions depends upon the commitment you wish to make.

Each paystub includes an itemized statement of gross pay, various deductions, net pay, and other items of importance, including a record of annual, sick, and compensatory leave earned and/or used. You should save these stubs as they are your official records.

Longevity

Longevity is a lump sum payment to reward employees for service to the state and to encourage employees to remain employed by the state. All full-time employees employed for 36 months or more with one or more agencies, departments, offices, or other

subdivisions of the Executive, Judicial, or Legislative branches of the state are eligible for longevity pay. Employees are first eligible for longevity at the completion of 36 months of creditable state employment. Under certain conditions, part-time employees may be eligible to receive longevity.

Longevity is paid separately on the payday at the end of the month following the completion of a creditable year of state employment, which constitutes the employee's longevity anniversary date. Employees on paid leave are eligible to receive the payment on their longevity anniversary date. Within the state service, active full-time service, Division of Claims Administration time, paid educational leave, and authorized unpaid military leave are creditable toward longevity. Other types of special leave without pay and leave received from the State Employee Sick Leave Bank are not creditable toward longevity.

Full-time employees with prior part-time service consisting of at least a 1600-hour annual schedule shall receive longevity credit for each month of such part-time service in which they were scheduled to work a full month and actually worked one-tenth of one hour more than half the schedule. Continuation of longevity pay in future years is subject to funding in the state's budget.

Overtime

Additional compensation may be paid to certain state employees who work in excess of regularly scheduled hours. Approval to work overtime is at the direction of the appropriate manager. The following classifications determine if an employee is entitled to any additional compensation for work in excess of regular scheduled hours:

(1) Executive Level Personnel

Executive level employees as defined by the Commissioner of Personnel are not eligible to receive any compensation for hours worked beyond their regular schedule. However, if an executive level employee is scheduled to work on a legal holiday, the holiday may be rescheduled.

(2) Exempt Personnel

Employees who are exempt from the overtime pay requirements of the Fair Labor Standards Act (FLSA) are compensated for approved overtime worked with compensatory leave (time off instead of cash).

(3) Non-Exempt Personnel

Employees who are subject to the overtime requirement of the Fair Labor Standards Act (FLSA) are eligible to be compensated in cash for approved time actually worked in excess of their regular schedule for a workweek. (The employee may request compensatory time instead of cash.)

(4) Exceptions

Exceptions to this policy must be recommended by the appointing authority and approved in advance by the Commissioners of the Department of Personnel and

the Department of Finance and Administration. Such recommended exceptions must be consistent with state and federal law.

Compensatory Time

Compensatory time is leave credit earned by an exempt or non-exempt employee when compensable overtime hours are worked and are not compensated in cash. Compensatory time is accrued on a workweek basis. Compensatory time may be accrued up to a maximum balance of 480 hours overtime. Any compensatory time accrued in excess of 480 total hours or 240 hours of premium compensatory time will be paid in cash.

Use of Compensatory Time: The use of compensatory time is subject to the approval of the appointing authority or a designated manager in the same manner as annual leave. When an employee requests annual leave and compensatory leave is available, the compensatory leave shall be used first, unless the accumulated annual leave balance at the beginning of the pay period is within two (2) days of the maximum accrual rate for the employee's service group code.

Compensatory Time Transferable: Compensatory time is transferable between the executive branch agencies of state service. Compensatory time earned is taken prior to the beginning of terminal leave, taken prior to separation if the employee has no terminal leave, or paid in a lump sum at separation at the discretion of the appointing authority.

Holiday Compensatory Time: Due to the variety of state service, certain agencies are not able to observe some of the official state holidays. An employee who is scheduled to work on a holiday will receive compensatory overtime on an hour-for-hour basis for time actually worked up to the number of hours scheduled on the day of the holiday.

Prior Service

Prior service may affect your annual leave and/or sick leave accumulation. Ensure that the Tennessee Consolidate Retirement System (TCRS) Prior Service Staff and your departmental personnel office are aware of your specific state or other related service.

Employees may purchase prior service by paying the amount withdrawn plus interest compounded annually from the date of refund. There are several options available to purchase prior service. Please contact TCRS for your specific information regarding this option or go to www.treasury.state.tn.us/tcrs/p6.htm.

EMPLOYEE BENEFITS

Insurance

The State of Tennessee offers eligible employees a basic package of group health, term life, and accident insurance. Optional dental, term and universal life and accident coverage are also available.

Employees pay only 20% of their insurance premium for the basic package; the state contributes the remaining 80%. Employees pay the full premium for any optional coverage(s).

Health insurance is available through a PPO, HMO, or POS plan, based on your county of residence or work. You can transfer your coverage between plans beginning on October 15 and ending on November 15 of each year.

Please review the following materials about your insurance options:

- Summary of Your Insurance Benefits
- Medical/Dental Plan Comparison
- Optional Life Brochure
- Individual vendor materials

State group insurance is under the Department of Finance and Administration's Division of Insurance Administration. Additional information regarding the state group insurance is available at www.state.tn.us/finance/ins/ins.html.

Retirement

Retirement from state service offers excellent benefits. Full-time employees are automatically members of the Tennessee Consolidated Retirement System. Contributions made by the state insure a good income during retirement years. Additional information regarding retirement benefits may be obtained from your personnel office or from the Tennessee Consolidated Retirement System at www.treasury.state.tn.us/tcrs.

Deferred Compensation (401(k) and 457)

Employees of the State of Tennessee are eligible to participate in two optional tax-deferred retirement savings plans operated by the state: a 457 plan and a 401(k) plan. Contributions to these plans are made through regular payroll deductions. Except under a few limited circumstances, salary set aside through these plans cannot be withdrawn before reaching age 59½ or separation from state service. Participants in either plan are permitted to direct their contributions among a variety of investment options.

The state will contribute a \$40.00 per month match for those employees who defer at least \$40.00 per month to the 401(k) plan. This is the plan's minimum contribution. In general,

state employees who participate in the 401(k) plan and who are eligible to participate in the Tennessee Consolidated Retirement System will be eligible to receive the match. Continuation of the match in future years is subject to funding in the state's budget. For additional information about the Deferred Compensation plan go to the Treasury Department's web site at www.treasury.state.tn.us/dc/index.htm.

Sick Leave Bank

The Sick Leave Bank (SLB) provides emergency sick leave to member employees unable to work because of an unplanned personal illness, injury, or quarantine and who have exhausted their personal sick, compensatory, and annual leave balances. For an initial donation of four (4) days of sick leave at the time of enrollment and a donation of one (1) day of sick leave annually, an eligible member may receive up to a maximum of ninety (90) days of paid leave. The enrollment period for the Sick Leave Bank is August 1st through October 31st each year. The SLB Guidelines and additional information on this excellent program are available from your personnel office or at www.state.tn.us/personnel/resources/sickleave/index.htm.

Donation of Sick Leave between State Employees

Employees may donate a portion of their personal sick leave to eligible Sick Leave Bank members who have exhausted all their own sick, annual, and compensatory leave and all benefits available through the Sick Leave Bank. Contact your personnel office for more information on donated leave.

Service Awards

The State of Tennessee's Service Awards Program recognizes employees for their service to state government. Service awards are presented beginning with five years creditable service and at each increment of 5 years thereafter. Beginning at 30 years of service and above, employees receive a personalized plaque in addition to the award they select. Pictures of awards are available at www.state.tn.us/personnel/resources/awards/service_awards_index.htm.

Employee Suggestion Award Program (ESAP)

Employees are eligible for either cash or honorary awards under the Employee Suggestion Award Program. Cash awards are given for adopted suggestions that result in substantial savings or improvements in state operations. The maximum cash award is ten percent (10%) of the first year's estimated savings, or ten thousand dollars (\$10,000), whichever is less. However, the ESAP Board may increase the maximum amount of an award for a suggestion that results in extraordinary monetary savings for the state. The ESAP Coordinator for your agency facilitates the evaluation of suggestions and distribution of information about the program. You may obtain an ESAP Suggestion Form from your agency personnel office or it is available online at www.state.tn.us/personnel/resources/suggestion/index.

Tennessee Employees Charitable Campaign

Each year, employees are given an opportunity to participate in supporting worthy charitable efforts within the community. The Tennessee Employees Charitable Campaign (TECC) is the only charity drive conducted by state government. Participation is strictly voluntary. Contributions must be designated to a specific agency and are made by payroll deduction. Information regarding the TECC is available at www.state.tn.us/personnel/Charity_Fund/2006/06_CF_index.

Training

Training is provided for clerical, technical, professional, supervisory, and management personnel. These activities are aimed at increasing knowledge, developing or improving skills, and constructively changing behavior and attitude.

Training announcements with current training opportunities are usually included with paystubs quarterly or go to state.tn.us/personnel/resources/training/training_index.htm. Please contact your supervisor and your training officer if you wish to attend an announced course.

Continuing Education Units (CEU's) are awarded for most courses upon satisfactory completion of the course. A permanent record is established and maintained indicating the number of CEU's awarded. A copy of this permanent record is available upon request from your agency training officer.

In the interest of making training opportunities available, most training activities are scheduled during working hours for your benefit. Rules regulating authorized attendance are the same as if you are at your regular job assignment. When you attend training, you are expected to arrive on time and participate fully to gain the maximum benefit.

BEST – Baccalaureate Education System Trust

Children are our most precious treasure. To help them succeed in life, we need to give them the advantage of a college education. BEST helps you afford that education by investing a little money now, while they are young. Payments are flexible and the units that are purchased may be used at any institution of higher learning in the nation. Additional information is available at www.treasury.state.tn.us/best/index.htm.

Parking

See your department's personnel officer.

Fee Waiver and Fee Discount Programs

There are two programs available to facilitate postsecondary educational opportunities for State employees and their dependents, as well as dependents of public school teachers.

These are the fee waiver program for the State employee and the fee discount program for children of State employees and public school teachers.

The fee waiver program allows full-time employees of the executive, judicial, or legislative branch of State government to take one course, undergraduate or graduate, at any State supported college, university or technology center, as well as the Tennessee Foreign Language Institute. An employee may receive the waiver for only one course per semester or mini-semester, not to exceed a maximum of four (4) courses per academic year.

The fee discount program provides a 25 percent discount on enrollment fees for undergraduate courses, generally referred to as tuition, to the child of a full-time employee of the executive, judicial, or legislative branch of State government. Eligibility requirements include that the child must be under the age of 24 as of the first day of classes and live with, or previously lived in a parent-child relationship with, the eligible employee or teacher. The discount is applied to any number of courses up to and including full-time study. Additional information on these programs is available at

www.state.tn.us/thec/2004web/division_pages/lra_pages/lra_feewaiver.htm.

ATTENDANCE AND LEAVE

Hours of Work

The regular schedule for most employees is 8:00 a.m. to 4:30 p.m., Monday through Friday. Local conditions may cause these hours to vary, but an employee scheduled to work 7.5 hours per day, Monday through Friday, is considered to be on a regular work schedule. Any agency may use irregular work schedules and vary its work hours and workdays at the discretion of the appointing authority. Any full-time schedules other than 37.5 hours per week must be approved in advance by the Commissioner of Personnel and the Commissioner of Finance and Administration.

Absenteeism

If you must be late for work or absent because of illness or for an unforeseen circumstance, personally notify your appropriate manager or immediate supervisor as soon as possible by telephone. Certain supervisors may designate a specific call-in time.

When you have to be late or absent, it is important that you give your supervisor maximum advance notice so that replacement arrangements or work assignments can be made. Your supervisor will cooperate with you on these occasions if you will personally give as much advance notification as possible. However, excessive absenteeism is inappropriate. Remember that supervisors must account for and approve all employee absences.

Lunch Hour

All employees (except those listed below) shall be allowed a one (1) hour meal period. The authorized meal period must be taken during the work shift and may not be used to alter arrival or departure time by not using the meal period.

- Uniformed members of the Department of Safety
- Wildlife Officers
- Park Rangers
- All employees assigned to hospitals or institutions in the Departments of Mental Health, Mental Retardation, Correction, and Children's Services

Rest Breaks

Appointing authorities or agency heads, at their discretion, may allow their employees two (2) rest breaks during each workday. One break may be allowed in the morning and the other in the afternoon for a period not to exceed fifteen (15) minutes each. These rest breaks are a privilege and not a right and should be taken at times that do not interfere with service to the public. If an employee chooses not to take advantage of rest breaks, this time may not be accumulated and added to lunch periods or any type of leave. A rest break may not be used to alter arrival or departure time or used in conjunction with the lunch hour.

Holidays

The following days have been designated by the General Assembly as legal holidays:

New Year's Day	January 1
Martin L. King, Jr. Day	Third Monday in January
Washington's Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

When a holiday falls on Saturday, the Friday before the holiday is substituted. When the holiday falls on Sunday, the Monday following the holiday is substituted. The Governor has the authority to substitute the day after Thanksgiving for Columbus Day for the purpose of closing state offices.

Leave Accrual

Employees scheduled to work one thousand six hundred (1,600) hours or more in a fiscal year, whether compensated on hourly, daily, monthly, or piecework basis, shall accrue leave upon completion of a calendar month of service or major fraction thereof. A major fraction of a month is defined as one-tenth (0.1) of one hour over 50% of the employees' scheduled working hours in any month.

Employees Eligible to Accrue Leave

The following employees are eligible to accrue leave:

- Employees with regular, temporary provisional, and interim appointments who are employed full-time.
- Employees serving on full-time temporary appointments accrue leave after completing six months of active service. The first day following completion of six months of service is regarded as the beginning date for the purpose of accruing leave. Each period of temporary employment should be treated separately.
- Any part-time or seasonal employee scheduled to work 1600 hours or more in a fiscal year.
- Any employee currently eligible to accrue leave who receives a full-time emergency or full-time temporary appointment shall continue to accrue leave, provided there is no break in service.

Employees Ineligible to Accrue Leave

The following employees are not eligible to accrue leave:

- Employees on temporary appointments who worked less than six (6) months.
- Employees on educational leave, with or without pay.
- Employees on emergency appointments.
- Employees on Division of Claims Administration leave.
- Employees on terminal leave.
- Employees on military leave without pay.
- Employees on special leave without pay.
- Employees on maternity leave without pay.
- Seasonal or part-time employees scheduled to work less than 1600 hours in a fiscal year.
- Employees paid through the Sick Leave Bank.
- Limited term employees (such as commissioners) are not eligible to accrue leave while serving in limited term appointments. However, should these employees later be appointed to a position eligible to accrue leave, their time served in a full-time limited term appointment can be used to establish the proper leave service group code.

Annual Leave

All state employees who are employed on a full-time basis earn one day (7.5 hours or 8.0 hours) of annual leave monthly, provided they work the major portion of that month. Annual leave is accrued at an increasing rate as indicated on the following chart.

YEARS OF SERVICE	ANNUAL DAYS PER MONTH	MAXIMUM ACCRUAL (DAYS)
0-5	1	30
5-10	1½	36
10-20	1¾	39
Over 20	2	42

Leave earned in excess of the maximum allowable for each group is transferred to the employee's sick leave account annually on their last hire date month.

The use of annual leave is subject to supervisory approval. You must make annual leave requests to your supervisor as far in advance as possible to avoid any workload problems during your absence. Employees shall be compensated upon separation for their unused accumulated annual leave, unless dismissed for gross misconduct. In this case, employees will forfeit their annual leave balance.

Sick Leave

All full-time employees accrue one day (7.5 or 8.0 hours) of sick leave per month, provided they work the major portion of each month. The intent of sick leave accrual is to establish a balance of leave time to cover you during extended emergency times when you must be off the job due to illness. In accruing leave, you are assuring yourself of a regular income when you are absent from work because of illness or injury.

Even though you accrue one sick leave day per month of service, you should keep in mind that the use of the benefit is permissive and not a right of employment. Before sick leave is authorized, your supervisor must be satisfied that you were too sick to perform your normal duties or your physical condition is a hazard to fellow employees.

Sometimes, employees will remain at home simply because they do not feel well. Please be sure you know the difference between sickness and not feeling well.

Sick leave may be used for any of the following reasons:

- personal illness
- disability due to accident
- exposure to a contagious disease
- medical and dental appointments
- illness or death of a qualifying family member or others who, at the discretion of the appointing authority, have a relationship which merits similar consideration

Your supervisor may require that you obtain a detailed doctor's statement for yourself, or for a qualifying family member, that specifically states why you could not be present to perform your normal job duties.

If you transfer to another agency or department within state government, your accrued leave is transferred with you. Upon retirement, your accumulated sick leave is acknowledged as creditable service in computing your retirement benefits. Each 20 days of sick leave equals one month creditable service.

After an extended illness, you may be required to present a doctor's statement releasing you to return to work. A supervisor may require a doctor's statement for **any** absence for which sick leave is taken.

If you are not at work during your regular work hours, you must be on authorized leave. This means that your supervisor knows of and has approved your absence. In accordance with the law and rules, job abandonment occurs when an employee is absent from work without approval for three consecutive workdays or two consecutive workdays following the expiration of any authorized leave. In the case of job abandonment, the department considers that the employee resigned "not in good standing". Therefore, it is imperative that you keep your supervisor informed of your need for leave as it arises.

Leave for Adoption, Pregnancy, Childbirth, and Infant Nursing

Tennessee Code Annotated Section 4-21-408 provides that the provisions listed below shall be included in the next employee handbook published by the employer after May 27, 2005.

Employees who have been employed by the same employer for at least twelve (12) consecutive months as full-time employees, as determined by the employer at the job site or location, may be absent from such employment for a period not to exceed four (4) months for adoption, pregnancy, childbirth, and nursing an infant, where applicable, referred to as “leave” in this section. With regard to adoption, the four-month period shall begin at the time an employee receives custody of the child.

Employees who give at least three (3) months' advance notice to their employer of their anticipated date of departure for such leave, their length of leave, and their intention to return to full-time employment after leave, shall be restored to their previous or similar positions with the same status, pay, length of service credit, and seniority, wherever applicable, as of the date of their leave.

Employees who are prevented from giving three (3) months' advance notice because of a medical emergency that necessitates that leave begin earlier than originally anticipated shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) months' advance notice.

Employees who are prevented from giving three (3) months' advance notice because the notice of adoption was received less than three (3) months in advance shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) month's advance notice.

Leave may be with or without pay at the discretion of the employer. Such leave shall not affect the employees' right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans, or programs for which the employees were eligible at the date of their leave, and any other benefits or rights of their employment incident to the employees' employment position; provided, that the employer need not provide for the cost of any benefits, plans, or programs during the period of such leave, unless such employer so provides for all employees on leaves of absence.

If an employee's job position is so unique that the employer cannot, after reasonable efforts, fill that position temporarily, then the employer shall not be liable under this section for failure to reinstate the employee at the end of the leave period.

The purpose of this section is to provide leave time to employees for adoption, pregnancy, childbirth, and nursing the infant, where applicable; therefore, if an employer finds that the employee has utilized the period of leave to actively pursue other employment opportunities or if the employer finds that the employee has worked part time or full time for another employer

during the period of leave, then the employer shall not be liable under this section for failure to reinstate the employee at the end of the leave.

Whenever the employer shall determine that the employee will not be reinstated at the end of the leave because the employee's position cannot be filled temporarily or because the employee has used the leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.

Nothing contained within the provisions of this section shall be construed to:

1. Affect any bargaining agreement or company policy that provides for greater or additional benefits than those required under this section;
2. Apply to any employer who employs fewer than one hundred (100) full-time employees on a permanent basis at the job site or location; or
3. Diminish or restrict the rights of teachers to leave pursuant to title 49, chapter 5, part 7, or to return or to be reinstated after leave.

Family Leave

Any employee who is employed in state service for at least 12 consecutive months as a full-time employee may be absent from employment for a period not to exceed four (4) months for pregnancy and birth of a child. The four (4) month period shall include leave required before and after the birth of a child. If covered, you may use sick leave for up to six (6) weeks of this time immediately following the birth of the child.

Any female employee who has less than one (1) year of service may be granted maternity leave for a period not to exceed thirty (30) workdays following the birth of a child. Further information regarding Family Leave is available from your personnel office.

Adoptive Leave

Employees involved in adoption proceedings shall be granted leave in accordance with Tennessee Code Annotated Section 4-21-0408. Any employee who is employed in state service for at least 12 consecutive months as a full-time employee may be absent from employment for a period not to exceed four (4) months. The four (4) months begin when the employee receives custody of the child. If covered, you may use sick leave for up to six (6) weeks from the time the employee obtains custody of the child.

Family Medical Leave Act

The Family Medical Leave Act (FMLA) entitles eligible employees to a maximum of twelve (12) workweeks of leave each year for specified family and medical reasons. It also provides for continued health insurance coverage during the leave period, and requires employee reinstatement to the same or an equivalent position once the leave period has ended. Further information is available from your personnel office.

Civil Leave (Jury Duty)

State employees who are subpoenaed to serve as jurors will be granted civil leave. Civil leave is granted for any day or days an employee is required, by summons, to report for jury duty, provided such responsibility for jury duty exceeds three (3) hours during the day for which the excuse is sought. If the employee serves less than three (3) hours per day, the time served is considered civil leave and the employee must return to work or use compensatory or annual leave for the remaining work hours. An employee may retain any compensation received for jury duty from the courts. Civil leave includes the time required to travel to and from jury duty. Check with your personnel office for additional information.

Military Leave

Employees who are members of the reserve components of the Armed Forces of the United States, including members of the Tennessee National Guard, receive leave with pay for up to 15 workdays in one calendar year. Leave without pay is granted for periods of active duty or training activity with the U.S. Armed Services (both regular and reserve components) or the Tennessee National Guard for authorized periods exceeding the 15 days of paid leave. Your personnel office can give you details on military leave.

Bereavement Leave

Bereavement leave is three days of paid leave granted to an employee in the event of the death of the employee's spouse, child, step-child, parents, step-parents, siblings, foster parents, parents-in-law, grandparents, or grandchildren without charge to the employee's leave time. Pursuant to Tennessee Code Annotated Section 8-50-113, the relationships listed above are the only relationships that qualify for bereavement leave. There can be no exceptions or substitutions.

Administrative Leave

An appointing authority, with the approval of the Commissioner of Personnel, may place an employee on leave with pay any time it is considered necessary for the welfare of the employee or the proper operation of the agency.

Special Leave – Participation in State Examinations and Interviews

An employee may be granted an excused absence to participate in career service and other examinations administered by the State of Tennessee. In addition, an employee may also be granted excused absences to be interviewed for other State positions at the request of a responsible official of the interviewing agency. However, an employee must use leave to participate in federal or other civil service examinations or interviews.

Elections – Time Allowance for Voting

Any person entitled to vote in an election held in this state may be absent from work on the day of the election for a reasonable period of time, not to exceed three (3) hours,

necessary to vote during the time polls are open in the county where the employee resides. If the work schedule of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of polls in the county where the employee is a resident, time may not be taken off. Employees working from 8:00 a.m. until 4:30 p.m. and residing in counties where polls are opened until 8:00 p.m. are not eligible for additional time off from work. Employees working from 8:00 a.m. until 4:30 p.m. and residing in counties where polls are opened until 7:00 p.m. are eligible to request an absence of no more than 30 minutes. Requests for leave must be made no later than 12:00 p.m. on the workday preceding the day of the election. The supervisor may designate the period of permissible absenteeism.

Absence Due to Inclement Weather

Inclement weather does not usually warrant the closing of State offices. Absence due to inclement weather requires that each employee make a personal judgment pertaining to his safety in traveling to and from work. Loss of work time for this reason is charged against the employee's compensatory or annual leave balance. If the employee has no compensatory or annual leave, then the time absent is charged as leave without pay. Employees who make the effort to report on time and who report within a reasonable period should not be required to use leave for that absence.

Certain employees who are employed by mental health facilities, developmental centers, correctional facilities, Department of Children's Services (group homes, schools, and institutions), Department of Transportation, Department of Safety, or other agencies that require employees maintain the health and safety of others may be required to report to work during periods of ordinary and extreme inclement weather.

Additional information regarding attendance and leave may be found in the Department of Personnel's Attendance and Leave Manual located in your personnel office or available at www.state.tn.us/personnel/resources/attendance&leave.PDF.

GENERAL PERSONNEL PRACTICES AND ADMINISTRATIVE GUIDELINES

Equal Employment Opportunity/Affirmative Action/Americans with Disabilities Act

The EEO/AA office within the Department of Personnel provides assistance to all other state departments and agencies in the implementation of their Equal Employment Opportunity programs. An EEO program represents an agency's commitment to assure equal employment opportunity in all aspects of its operations affecting employees and applicants for employment.

All departments of the executive branch of state government have appointed an EEO officer who is delegated full responsibility and authority to implement each department's internal EEO program.

The EEO officer is responsible for developing and updating a written Affirmative Action Plan (AAP) to facilitate the implementation of equal opportunity into all facets of the department's personnel management system. The AAP contains an EEO Policy Statement which represents a commitment by the agency to all employees and applicants on Equal Employment Opportunity.

The AAP provides a work force analysis for the identification of divisions and units where minorities and women are under utilized and under represented. Also included are goals, timetables, reasonable actions, and good faith efforts designed to create and maintain a balance within the work force absent of discrimination regardless of age, race, sex, color, religion, national origin, disability, pregnancy, creed, or veteran's status.

EEO counseling is available to resolve informal complaints of workplace harassment or discrimination on the basis of an individual's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, or veteran's status. Employees or applicants who feel that they may have been harassed or discriminated against because of any of the above mentioned reasons may file a formal complaint without fear of reprisal. For additional information, the state's Policy Statement on Workplace Harassment is found on page 28 of this handbook or at the Department of Personnel's web site at www.state.tn.us/personnel/resources/WPH/Workplace%20Harassment%20Policy.PDF.

The state's Americans with Disabilities Act (ADA) office and department ADA coordinators insure state government's compliance with the Americans with Disabilities Act of 1990. They assist with reasonable accommodation issues in state employment and program access for state services and programs and help agencies and employees resolve access and accommodation issues.

Performance Evaluation

The purpose of performance evaluation is to promote employee development, enhance employee productivity, serve as a basis for sound personnel decisions, and provide a

permanent record of the major duties and responsibilities for employees in the state service. A formal written evaluation of the performance of major job duties and responsibilities for all career service employees will be conducted at the end of probationary periods and on an annual basis thereafter.

The performance evaluation process is carried out as follows:

Step I – Job Performance Plan

During an initial discussion, your supervisor will explain and clarify the evaluation process, the major responsibilities for which your performance will be assessed, and a description of the performance necessary to achieve a high rating.

Step II – Interim Reviews

Periodic (Interim) reviews of job performance will be conducted to provide constructive feedback, discuss means of enhancing performance, and if appropriate, to discuss consequences of marginal or unsatisfactory performance.

Step III – Formal Evaluation

A formal written assessment of your performance will be completed and placed in your official personnel file. You have the opportunity to agree or disagree and comment on the evaluation. A reviewer (usually your supervisor's supervisor) reviews the formal evaluation to assure completeness and accuracy of the rating(s).

Questions regarding the Performance Review process may be directed to your supervisor, your reviewer, or your personnel office. Additional information regarding Performance Evaluation is available at www.state.tn.us/personnel/resources/pe/P_Eval.htm.

Probationary Periods – Career Status

Every person appointed to a career service position with Tennessee State Government must successfully complete an initial probationary period of at least six months before obtaining career status in that position. This initial probationary period is the first part of the employment process and is customary employment practice.

During your probationary period, your supervisor will help you become familiar with your duties and responsibilities. Your attitude toward your work, your efficiency, and the quality of your work and willingness to accept responsibility will be observed. The probationary period will enable your supervisor to determine your ability to do your job. It also lets you decide whether you wish to continue in the service of the department.

The initial probationary period is no less than six months and may be for a period of one or two years if you are appointed to the trainee level of a flexibly staffed position. After successful completion of the initial probationary period, you gain career status in your classification in your department. After completion of one month's service, a supervisor

may recommend the termination of an employee on initial probation if it is determined the employee is unable or unwilling to perform the requirements of the job. However, if at any time during the initial probationary period it is determined that an employee's conduct does not merit further observation, the supervisor may recommend termination. There is no appeal of a termination during the initial probationary period.

As a career employee, if you are appointed to another classification in your department, you must successfully complete a subsequent probationary period before obtaining career status in the new position. If you are promoted or you voluntarily transfer to a position in another agency or department, you must complete a new initial probationary period with that agency. The length of this initial probationary period is also no less than six months.

Promotions/Transfers

As a state employee, one of your goals should be to do the best job you can for the citizens of Tennessee. It is also your obligation to grow and change with the job. Employment in state government has much to offer you in your efforts to meet and fulfill these responsibilities.

Your employment with the state is what you make of it. You must do your best in your present job, and in doing so, you should look ahead and prepare yourself for opportunities to advance. However, you must keep in mind that consideration for a promotion is a privilege that is earned through meeting minimum qualifications and demonstrating your abilities and potential for performance at a higher level. Promotions are not matters of right created by seniority or time within a classification. Positive self-development and participation in training opportunities can aid in your making yourself a more attractive candidate for promotion. You may be eligible to compete for some promotional positions for which you qualify.

The Applicant Services Division of the Department of Personnel administers career service employment examinations and provides information to applicants regarding employment and promotional opportunities. Most jobs available with the state are covered by the career service system, which is a merit system of employment based on an applicant's qualifications. The majority of examinations consist of a rating of education and experience. Approximately 80 job classifications require a written or computer-administered test. Most written examinations are administered on a continuous basis, while most of the examinations involving a rating of education and experience are administered only during announced open periods.

Employees who wish to apply for an announced classification or to updated scores for that classification if already on the register, should submit an updated application to the Department of Personnel during the announced open period. Examination announcements with opening and closing dates for applying are posted on a regular basis at the department's website at www.ja.state.tn.us/personnel/JobSearch/index.jsp.

You may desire a lateral transfer or lateral reclassification for the purpose of increasing your career opportunities or as a career path change. Any transfer is at the discretion of

management, with the approval of the appointing authority, and may be granted subject to staffing needs or requirements. Your supervisor or personnel officer can advise you about the procedure to follow in applying for a transfer.

The appointing authority may transfer any employee from a position in one work unit to a position in the same classification in another work unit in the same agency. If you believe that you are being forced to take a geographic transfer of more than 50 miles for non-merit reasons, you may choose to file a grievance at the appropriate step. For more information contact your personnel office.

Public Relations – Conflict of Interest

As a state employee, you represent the State of Tennessee in your contacts with the public on and off the job. Each contact you make is an opportunity to create goodwill for your agency and your state government, and places the important responsibility of establishing and keeping a good image of the state employee squarely upon your shoulders.

Courtesy, or lack of it, is most noticeable in contact with the public during telephone conversations and at public counters or reception desks. However, courtesy on jobs where the public contacts are more casual is just as important. Courtesy must be shown in all contacts with the public and your coworkers. Be courteous to everybody, not just those people who are courteous to you. As you are employed by the citizens of the State of Tennessee, prompt, polite, and courteous service is essential regardless of the circumstances. Courtesy in every situation produces more positive results. However, if you feel that you have been subjected to discourteous behavior, discuss this with your supervisor.

Employment with the State of Tennessee is a public trust. Employees must not participate in any activity in either a private or official capacity where a conflict of interest may exist. Your first loyalty should be to the public interest, and you must avoid associations, or interests that could affect your objectivity in performing your job or in making the decisions required of your position. However, employees are encouraged to participate in professional and civic organizations if such participation does not adversely affect their role as a public employee.

If you question whether any outside activity or interest may be in conflict with your job requirements, you should ask for an opinion from your supervisor.

Political Activity

Political activity of state employees is controlled by the Federal Hatch Act and the Tennessee Little Hatch Act. Generally speaking, during those hours of the day when you are required to conduct the business of the state, you may not actively engage in a political campaign on behalf of any party, committee, organization, agency, or political candidate; or attend political meetings or rallies; or otherwise, use your official position or employment

to interfere with or affect the result of any regular or special election; or perform political duties or functions not directly a part of your employment.

You are encouraged to exercise your right to vote for the party or candidate of your choice and you are free to express your personal opinion concerning a political subject, party or candidate. You can obtain additional information from your personnel office. If you wish to seek an elective office, you may be covered by provisions of the Federal Hatch Act and the Tennessee Little Hatch Act. You must seek guidance from your appointing authority on the procedure you should follow before qualifying as a candidate.

Personnel Records

Your department's personnel office keeps an official record for each departmental employee. Information pertaining to your employment is filed in your personnel file and is available for your review in your personnel office during regular office hours.

It is most important that you keep your records accurate and up-to-date at all times. You should report any change in your status to your personnel officer. Be sure to report all changes of your name, address, marital status, beneficiaries, or changes in the status of your dependents. Discuss any questions regarding personnel records with your personnel officer.

Employee Identification

Your personnel office will issue you a state identification card (I.D.). You should keep this card on your person for any occasion that would require your identification as a state employee. In addition, you may be required to carry or wear a pass for the building in which you work. If you leave state service, you must return your I.D. card and building pass to your supervisor or your personnel office.

Equipment and Supplies

You have an obligation and responsibility to use and care for machines and equipment you use on your job. Improper use and maintenance of equipment that you and others depend upon can lead to unnecessary losses in time and money. When not in use, equipment should be stored or covered.

Whether you work in an office or in the field, the treatment you give your equipment reflects upon the quality of your work. Care and maintenance of equipment affects the public's impression of your agency and the State of Tennessee.

Employees have a duty to conserve and protect government property. Employees should not directly, or indirectly, use or allow the use of governmental property, including telephones and computers, vehicles, equipment, facilities, personnel, supplies, or services of any kind for other than approved activities. This includes anything leased to the department or otherwise paid for by the department. All state issued equipment and clothing must be returned upon your separation.

Use of State Telephones

State telephones are provided for business purposes. **ABSOLUTELY NO PERSONAL LONG DISTANCE TELEPHONE CALLS ARE TO BE CHARGED TO THE STATE'S TELEPHONE SYSTEM.** Abuse of the state's telephone system will result in your department taking appropriate disciplinary action. While personal telephone calls are allowed for local calls, such calls should be limited to a few minutes and occur only during the employee's break time, except in case of an emergency. Employees must consult their supervisors regarding proper procedures for placing work related long distance telephone calls.

Use of State Computers

The state's computers are available for state business purposes only. This includes use of the Internet. No programs should be installed without permission of the Information Systems Director in your department. Unauthorized use of state computers or systems could result in disciplinary action, up to and including dismissal.

Solicitation

There shall be no solicitation by any person, organization, or association on state property. Solicitation is any attempt to seek contributions, gifts, or donations; or to offer memberships in any organization, or to solicit the purchase of any property; or to distribute literature or any other material. This rule does not apply to solicitation conducted by the state or federal government (e.g., Tennessee Employees Charitable Campaign, Savings Bond Program, etc.). State buildings are under the operation of the Department of General Services. The rules regarding solicitation on state property is found at www.tennessee.gov/sos/rules/0690/0690-04-01.pdf.

Gifts and Contributions

Employees, in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service, or promise of future employment or other future benefit from any source, except the state, for any activity related to their duties as state employees unless otherwise provided by law. Executive Order No. 3 concerning ethics, conflicts of interest, and acceptance of gifts is posted in your personnel office or available at www.tennesseeanytme.org/governor/AdminCMSServlet?action=viewFile&id=463.

Personal Property

Many offices and work locations are open areas for both the public and a large number of fellow employees; therefore, it is important to use sound judgment when bringing personal property to work. It is your responsibility to properly secure any personal property in your work location.

Dress and Grooming

As a public servant of the State of Tennessee, you are expected to maintain a standard of dress and grooming that reflects good taste and common sense. You are to refrain from extremes and fads and should dress in styles appropriate to your office or your working conditions. You should be well groomed and neatly dressed in appropriate attire. Specific dress codes may be established for some work units and/or departments. If you have any questions about appropriate dress in your work environment, ask your supervisor for advice.

HEALTH AND SAFETY

The State of Tennessee is concerned for your health and safety in the performance of your job. You must observe all safety rules as they are designed for your benefit. If you become aware of a health or safety hazard, report it to your supervisor immediately.

Workers' Compensation/Accidents/Injury in the Line of Duty

Should you have an accident while on the job, you should:

- Seek immediate first aid or emergency care. See that your supervisor or shift supervisor is notified of your accident/assault and your condition. All serious injuries that require outside medical services and/or result in lost time should be reported immediately to Sedgwick James at 1-800-526-2305 for the name of a medical provider authorized to treat you.
- All on the job injuries should be reported as soon as possible to your supervisor who is responsible for initiating the proper reports.

Employee Health Clinic

Within the complex of state facilities in Nashville, the Employee Health Service Center is available for use by state employees. The Center is staffed with a full-time nurse under the supervision of a physician. Patients will receive initial emergency care at the Center with referral to a physician when necessary. The Employee Health Service includes immunization programs as a convenience for state employees. For more information, contact your personnel officer.

Wellness Program

The State Employee Wellness Program assists employees in taking increased control for their own health by helping them adopt healthier lifestyles. The major components of the wellness program include increased awareness (screenings), interventions, and evaluation. Some of the program benefits include:

- Health Risk Assessments
- Focused Intervention (personalized telephone-based assistance)
- Babies First Prenatal Program
- Video-lending library
- Wellness Seminars/Wellness Newsletters

For more information contact the Wellness Program at 615-741-8675 or at www.state.tn.us/finance/ins/wellness/sewp.html.

Smoking Policy

Please check with your supervisor or personnel officer regarding the policy for your area.

Drug-Free Workplace

No state employee will be allowed to work under the influence of alcohol or illegal drugs, nor possess or partake of such during work hours. Furthermore, no state employee will be allowed to work under the influence of prescribed or other lawfully obtained drugs when the taking of these drugs impairs the employee's ability to perform his/her job. Appropriate disciplinary action, up to and including termination, will be taken for those employees not in compliance with this policy.

Employee Assistance Program

The Employee Assistance Program, or EAP, is a counseling service for employees and their eligible dependents that may be experiencing personal or work place problems. An EAP counselor will handle personal difficulties in strict confidence. You can reach the EAP by calling 1-800-308-4934 any time of day, any day of the year. Hearing or speech impaired participants may call the TN TTY service number 1-800-842-2479. Additional information regarding the EAP is available from your personnel office or at www.state.tn.us/finance/ins/eap/eap.html.

EMPLOYEE CONDUCT

Work Performance and Conduct

Employee performance and conduct have a very important role in government's purpose and responsibility to serve the public. When things happen that are out of line with this responsibility, they must be recognized and dealt with in a fair and consistent manner.

Your conduct while at work must always be positive when dealing with the public, coworkers, supervisors, or others. Misconduct and/or insubordination are grounds for disciplinary action. The severity of disciplinary action depends upon the seriousness of the offense, work record, and other relevant information.

Your work performance is also a matter that must remain positive and productive. If performance falls below acceptable standards, your supervisor will utilize performance review and supervisory counseling to improve this deficiency. If improvement does not occur, your supervisor will take additional action, including possible disciplinary action.

It is your supervisor's responsibility to address any situation in which a change in your attitude or value of your job has an adverse affect on your ability or willingness to perform assigned duties.

The following list of disciplinary offenses provides examples of performance or conduct which may result in disciplinary action. This list does not contain all actions that might result in discipline.

- Inefficiency or incompetency in the performance of duties.
- Negligence in the performance of duties.
- Careless, negligent or improper use of state property or equipment.
- Failure to maintain satisfactory and harmonious working relationships with the public and fellow employees.
- Habitual improper use of sick leave privileges.
- Habitual pattern of failure to report for duty at the assigned time and place.
- Failure to obtain or maintain a current license or certificate or other qualification required by law or rule as a condition of continued employment.
- Gross misconduct or conduct unbecoming an employee in the State service.
- Conviction of a felony.
- Willful abuse or misappropriation of state funds, property or equipment.
- Falsification of an official document relating to or affecting employment.
- Participation in any action that would in any way seriously disrupt or disturb the normal operation of the agency, facility, department or any other segment of the state service or that would interfere with the ability of management to manage.
- Trespassing on the property of any state officer or employee for the purpose of harassment.
- Damage or destruction of state property.

- Acts that would endanger the lives and property of others.
- Possession of unauthorized firearms, lethal weapons, alcohol or illegal drugs on the job.
- Brutality in the performance of duties.
- Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
- Reporting to work under the influence of alcohol or illegal drugs, or partaking of such on the job.
- Sleeping or failure to remain alert during duty hours.
- Betrayal of confidential information.
- Garnishment of wages for more than one indebtedness.
- Political activity prohibited by T.C.A. Title 2, Chapter 19, (The Little Hatch Act).
- For the good of the service as outlined in T.C.A. 8-30-326.

Minimum Due Process

Employees who have successfully completed their probationary period have a "property right" to their positions. No suspension, demotion, or dismissal becomes effective until minimum due process is provided.

Minimum due process consists of the following:

- The employee is notified in writing of the charges and proposed disciplinary action.
- The employee is offered an opportunity for a pre-decision discussion with a manager.
- The employee may present information to the manager regarding the disciplinary action under consideration.
- The employee may present written statements, witnesses or other information with regard to the charges.
- Attendance and participation by persons other than the manager and employee shall be at the discretion of the manager.

Exception to Minimum Due Process

When an employee is acting in a dangerous or otherwise threatening manner and must be removed from the workplace immediately, it is not necessary to provide minimum due process prior to removal. The employee may be placed on leave or immediate suspension without pay. Minimum due process must be provided as soon as practicable after removal from the workplace.

Progressive Disciplinary Action

Supervisors are responsible for maintaining the proper performance level, conduct and discipline of the employees under their supervision. When corrective action is necessary, the supervisor must administer disciplinary action beginning at the appropriate step as described.

Oral Warning

The supervisor meets with the employee to explain and discuss why the present conduct or performance is unacceptable. The supervisor may provide the employee with written follow-up of the discussion but this is not required.

Written Warning

The supervisor issues a written reprimand stating that a significant change in present conduct or performance is necessary and that failure to improve will lead to further disciplinary action. The employee may ask for a review of the written reprimand by the appointing authority. This request must be submitted in writing to the appointing authority within thirty (30) calendar days from receipt of the warning.

Suspension Without Pay

After minimum due process has been provided, a career employee may be suspended by the appointing authority for unacceptable conduct or performance of duties. A suspension without pay may be for one to thirty days.

Dismissal

After minimum due process has been provided, a career employee may be dismissed by the appointing authority for unacceptable conduct or performance of duties. Ten (10) calendar days paid notice must be given. During the notice period, an employee is not required to report for duty but is paid for the work days that fall within that ten (10) calendar days. For an employee dismissed for gross misconduct, the accumulated annual leave balance is used during this notice period and any remaining annual leave balance is forfeited. However, employees who do not have an annual leave are paid during this notice period. The ten (10) calendar days paid notice is not required for employees dismissed during their initial probation.

Transfer or Demotion

If it is determined by the appointing authority that a career employee's ability to satisfactorily perform his/her duties is beyond the capabilities of the employee or the employee has been compromised by unfavorable conduct to the extent that he/she is ineffective in his/her position, the employee may be demoted or transferred to a position of lower rank that is more appropriate after minimum due process has been provided. Additional information regarding the disciplinary process may be found at www.state.tn.us/sos/rules/1120/1120-10.pdf.

Appeals Under the Grievance Procedure

Employees who have completed their initial probationary period may use the grievance procedure to appeal certain types of personnel actions they feel adversely affect their employment or working conditions and that are within the administrative direction or control

of the appointing authority of the agency. **Grievances must be filed within fifteen working days after the cause of the action or occurrence.** Grievants or employees required to appear as witnesses or representatives will not be required to use leave for such periods and shall be reimbursed for travel and other expenses in accordance with the Comprehensive Travel Regulations.

Grievable Matters

- Disciplinary suspension or demotion.
- Disciplinary dismissal.
- Involuntary geographical transfer of an employee's official duty station of more than fifty miles.
- Non-compliance with an approved reduction in force plan by an appointing authority.
- Prohibited political activity as outlined in T.C.A. Title 2, Chapter 19 (The Little Hatch Act).
- Coercion of an employee to "waive" his/her right to consideration on a certificate of eligibles [civil service register].
- Performance evaluations under certain circumstances to the fourth step.
- Other matters within the discretion or control of the appointing authority or the Commissioner of Personnel.

Exceptions and Non-Grievable Matters

- Actions that affect employees who are not career or permanent employees.
- Actions that affect employees serving an initial probationary period.
- Normal supervisory counseling.
- Non-selection for promotion when the appointment was in compliance with these rules and the Act (civil service law).
- Verbal reprimands.
- Performance award decisions.
- Actions resulting from suggestions adopted by the State Employee Suggestion Award Board.
- Actions resulting from reductions in force when an approved reduction in force plan was followed.
- Shift, post and overtime assignments.
- Reasonable work assignments outside those normally associated with the employee's assigned job classification.
- Salary range assigned to classification.
- Classification of position.
- Denial of leave requests except as provided for in T.C.A. 8-50-801 and T.C.A. 8-50-110.
- Matters relating to internal agency or program management that are based on discretionary decision making.
- Demotions during subsequent probation, if such demotion is to the job classification from which the employee was promoted and at a salary rate no lower than the salary rate had the promotion not occurred.

- Agency rules or policies which do not conflict with statutes or rules of the Department of Personnel.
- Any other matter over which an appointing authority or the Commissioner of Personnel has no control or jurisdiction or is without the authority to grant the requested relief.

Additional information regarding the grievance procedures is available at www.state.tn.us/sos/rules/1120/1120-11.pdf.

Policy Statement on Workplace Harassment¹

The State of Tennessee is firmly committed to the principle of fair and equal employment opportunities for its citizens and strives to protect the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to illegal harassment in the workplace. It is the State's policy to provide an environment free of harassment of an individual because of that person's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, veteran's status, or any other category protected by state and/or federal civil rights laws.

In the absence of an agency-specific policy, employees or applicants for employment who believe they have been harassed on any of these bases should lodge a complaint using the procedures set forth in this policy.

Definitions of Harassment in the Workplace

A. Workplace Harassment

Any unwelcome verbal, written, or physical conduct that either degrades or shows hostility or aversion towards a person because of that person's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, or veteran's status that (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation.

To aid employees in identifying prohibited behavior, the following specific examples of workplace harassment are provided. These examples are not exhaustive; they illustrate, however, the types of conduct that violate this policy:

- Unwelcome touching or near-touching, which can encompass leaning over, cornering, hugging, or pinching; sexual innuendos, teasing, and other sexual talk such as jokes, personal inquiries, persistent unwanted courting, and sexist put-downs;

¹ While the State of Tennessee is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the State and its employees, applicants for employment, or parties who do business with the State. This policy supersedes all policies that conflict with the terms of this policy.

Furthermore, this Statement constitutes ONLY the policy of the State of Tennessee. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

- Slurs and jokes about a class of persons, such as persons who are disabled or a racial group;
- Distributing via e-mail epithets, slurs, jokes, or remarks that are derogatory or demeaning to a class of persons or a particular person or that promote stereotypes of a class of persons;
- Display of explicit or offensive calendars, posters, pictures, drawings, or cartoons that are sexually suggestive or that reflect disparagingly upon a class of persons or a particular person;
- Derogatory remarks about a person's national origin, race, language, or accent.

B. Hostile Environment

Hostile environment harassment occurs when a victim is subjected to unwelcome and severe or pervasive comments based on race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, veteran's status, or any other category protected by civil rights laws. A hostile work environment may also be created by innuendoes, touching, or other conduct that creates an intimidating or offensive workplace.

C. Sexual Harassment

Any unwelcome sexual advance, request for sexual favors, or verbal, written, or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party). There are two types of illegal sexual harassment. Managerial harassment occurs when a manager or a supervisor gives or withholds a work-related benefit in exchange for sexual favors from the victim or takes an adverse action against an employee for refusing a request for sexual favors. In some circumstances, threatening to take such actions may also be a violation of this policy. Certain actions may also create a hostile work environment. (See the definition for "hostile work environment" above.)

D. Retaliation

Retaliation is overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

E. Third Parties

Third parties are individuals who are not state employees but who have business interactions with state employees. Such individuals include, but are not limited to, customers, such as applicants for state employment or services, vendors, contractors, or volunteers.

Conduct Prohibited by the State of Tennessee

The State of Tennessee strictly forbids and will not tolerate harassment of any employee, applicant for employment, or third party on the basis of an individual's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, or veteran's status. The

fact that an alleged offender meant no harm or was teasing will not excuse conduct that violates this policy.

The State of Tennessee strictly forbids and will not tolerate any form of retaliation directed against an employee, applicant for employment, or third party who either complains about harassment or who participates in any investigation concerning harassment.

How to Report Harassment Incidents

If an employee, applicant for employment, or third party believes he/she has been subjected to harassing conduct that violates this policy, he/she must report those incidents as soon as possible after the event occurs.

Employees and applicants for employment may file a complaint with their department's personnel director, the department head, their supervisor(s), or any individual designated by the department to receive such reports. Under no circumstances is the individual alleging workplace harassment required to file a complaint with the alleged harasser. If an employee or applicant believes he/she cannot file a complaint within his/her agency, that person should contact the Department of Personnel, EEO/AA Division or Employee Relations Division (615-741-2958).

Individuals who wish to file a complaint are encouraged to submit the complaint in writing and to include a description of the incident(s) as well as the date(s), time(s), place(s), and any witnesses.

If a complaint involves an executive director, assistant commissioner, deputy commissioner, or the commissioner, an employee or applicant for employment may file the complaint directly with the Department of Personnel, EEO/AA Division.

How to Report Retaliation Incidents

If an employee, applicant for employment, or third party believes he/she has been subjected to retaliation for engaging in protected conduct under this policy, he/she must report those incidents as soon as possible after the event occurs.

Any employee, applicant for employment, or third party who makes complaints of workplace harassment or provides information related to such complaints will be protected against retaliation. If retaliation occurs, the employee, applicant for employment, or third party should report the retaliation in the same manner as he/she would report a workplace harassment complaint.

How Complaints are Investigated and Resolved

The department will conduct a thorough and neutral investigation of all reported complaints of workplace harassment or retaliation as soon as practicable. Generally, an investigation will include an interview with the complainant to determine if the conduct in issue violates this policy. If the department determines that the conduct falls within the terms of this

policy, the department will interview the alleged offender and any other witnesses who have direct knowledge of the circumstances of the allegations.

The department retains the sole discretion to determine whether a violation of this policy has occurred and to determine what level, if any, of disciplinary action is warranted.

If a complaint involves an executive director, assistant commissioner, deputy commissioner, or the commissioner, the Department of Personnel, EEO/AA Division will investigate the complaint on behalf of the department and report the results to the appropriate agency or authority.

How Confidentiality is Treated

To the extent permitted by law, the State will try to maintain the confidentiality of each party involved in a workplace harassment investigation, complaint, or charge, provided it does not interfere with the department's ability to investigate the allegations or to take corrective action. However, the State cannot guarantee confidentiality. Any documents that are made or received in the course of the investigation are public records under the State's Public Records Act, unless otherwise exempted by state law. Unless such an exemption applies, state law will prevent the State from maintaining confidentiality of investigative records.

Directive to Supervisory Personnel

Supervisory personnel who receive a complaint alleging workplace harassment or learn by any means of conduct that may violate this policy must immediately report any such event to the department's personnel director, EEO/AA officer, or to the person designated by the agency to receive the information.

Corrective Action for Violation of this Policy

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Supervisory personnel who allow workplace harassment or retaliation to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

For a copy of Policy 05-024, please contact your agency's Personnel Office or EEO/AA Officer/Coordinator. In addition, this policy is posted at

www.state.tn.us/personnel/resources/WPH/Workplace%20Harassment%20Policy.PDF.

SEPARATIONS

Resignation

If you choose to leave state service, it is important to give proper notice. To resign in good standing, you should give your supervisor at least 14 calendar days notice in writing. Arrangements for receiving your final pay should be made with your supervisor or personnel office. An employee's last paycheck is an actual check mailed to the employee's home address currently on file.

Dismissal

You may be dismissed from state service for reasons related to your performance of duties or personal conduct. A mandatory notice of at least ten calendar days is required in all cases of dismissals after completion of initial probation.

Job Abandonment

If you are not at work during your regular work hours, you must be on authorized leave. This means that your supervisor knows of and has approved your absence.

In accordance with Civil Service Rules and Regulations, you will be considered as having resigned "not in good standing" if you are absent from work without approval for three consecutive workdays or two consecutive workdays following the expiration of any authorized leave. Keep your supervisor informed of your needs for leave as they arise and he or she will try to grant your leave, if possible.

Return of State Property

When you terminate state employment, you must return all state property and/or equipment to the appropriate personnel. This includes but is not limited to state issued identification cards, credit cards, building ID's, computers, etc.

NEW EMPLOYEE CHECKLIST

The personnel officer/supervisor will discuss each item on the checklist with the new employee. Please check items as discussed and sign when completed. Give a signed copy to the employee and return the original to the personnel office for placement in the employee's official personnel file.

Name: _____

Dept./Division: _____

Location: _____

Employment Date: _____

Work Phone: _____

Pos. Number: _____

Required Forms to discuss and sign:

- _____ W-4 IRS Form
- _____ Direct Deposit Form & Deposit Slip
- _____ Retirement Form (along with booklet)
- _____ Drug Free Workplace Policy/Acknowledgment Form (if applicable)
- _____ Employment Eligibility Form (I-9) (copy identification documents)
- _____ Certificates, Transcripts and Application
- _____ Beneficiary for Leave Balances

Insurance

- | | |
|----------------------------------------|------------------------------------------------|
| _____ State Group Insurance Plan | _____ Optional Dental Insurance |
| _____ Optional Special Accident | _____ Optional Life Insurance Programs |
| _____ Health Maintenance Organizations | _____ Reduced Cost if Spouse is State Employee |

_____ YES _____ NO I intend to apply for insurance coverage within the first full calendar month after employment.

Insurance Effective Dates: You should sign up for insurance during your formal orientation session. Your insurance is effective the first day of the month after you have worked a full month.

- Example =** If you start on June 1, your insurance is effective on July 1.
Example = If you start on June 2, your insurance is effective on August 1.
Exception = If June 1 is on a weekend, and you start the following Monday, your insurance is effective on July 1.

Compensation

- | | |
|----------------------|-------------------------|
| _____ Pay Periods | _____ Overtime |
| _____ Direct Deposit | _____ Compensatory Time |
| _____ Deductions | _____ Prior Service |
| _____ Longevity | |

Payroll Deductions

1. Semi-monthly Pay System

- A. You are paid one (1) pay period in arrears.
- B. Paid mid-month and last workday of each month. If the payday falls on a weekend or holiday, paychecks will be issued on the nearest working day in advance of that date.
- C. First pay period deductions (reflected in pay received at end of month).
 - 1. F.I.C.A.
 - 2. Withholding
 - 3. Insurance (Optional)
 - 4. Flexible Benefits (Optional)
 - 5. Deferred Compensation (Optional)
 - 6. Credit Union (Optional)
- D. Second pay period deductions (reflected in pay received at mid-month).
 - 1. F.I.C.A.
 - 2. Withholding
 - 3. Insurance (Optional)
 - 4. Flexible Benefits (Optional)
 - 5. Deferred Compensation (Optional)
 - 6. Credit Union (Optional)
 - 7. Charity Fund (Optional)

Employee Benefits

- _____ Insurance (Health, life, accident, and optional)
- _____ Retirement (TCRS)
- _____ Deferred Compensation Program – Benefits Corp., Inc. 615-244-1030
or 1-800-922-7772, forms and booklet
- _____ Sick Leave Bank
- _____ Service Awards
- _____ Employee Suggestion Award Program
- _____ Tennessee Employees Charitable Campaign (TECC)
- _____ Training
- _____ Promotions/Transfers
- _____ Tennessee's BEST (Tuition Prepayment Program)
- _____ Parking Tag, Information Card, and Parking Lot Information
- _____ Public Higher Education Tuition Discount & Fee Waiver
- _____ Flexible Benefits Program, forms, and booklet

Attendance and Leave

- | | |
|---------------------------------|---------------------------------------------|
| _____ Hours of Work | _____ Adoptive Leave |
| _____ Absenteeism | _____ Family Medical Leave |
| _____ Lunch Period/Breaks | _____ Civil Leave |
| _____ Holidays | _____ Military Leave |
| _____ Accruing Leave | _____ Bereavement Leave |
| _____ Annual Leave | _____ Administrative Leave |
| _____ Sick Leave | _____ Special Lv./ Exams/Absences/Elections |
| _____ Maternity/Paternity Leave | _____ Absence Due To inclement Weather |

General Personnel Practice & Administrative Guidelines

_____ Equal Employment Opportunity	_____ Personnel Records
_____ Affirmative Action	_____ Personal Property
_____ Americans with Disabilities Act	_____ Equipment & Supplies
_____ Public Relations	_____ Telephone Use
_____ Conflict of Interest	_____ Employee Relations
_____ Computer Use	_____ Dress and Grooming
_____ Gifts and Contributions	_____ Solicitation
_____ Political Activity	_____ Probationary Periods
_____ Employee Identification	_____ Performance Evaluation

Health and Safety

_____ Worker's Compensation/Accidents/Injured in the Line of Duty/Assault Pay	
_____ Employee Health Clinic	_____ Wellness Program
_____ Employee Assistance Program	

Employee Performance and Conduct

_____ Work Performance and Conduct	_____ Appeals
_____ Minimum Due Process	_____ Grievable Matters
_____ Exceptions to Minimum Due Process	_____ Exceptions and
_____ Progressive Disciplinary Action	Non-Grievable Matters
▪ Oral Warning	_____ Workplace Harassment
▪ Written Warning	
▪ Suspensions Without Pay	
▪ Dismissal	
▪ Transfer or Demotion	

Separations

_____ Resignation	_____ Job Abandonment
_____ Termination/Dismissal	_____ Return of State Property

Acknowledgement:

Signature of personnel officer/supervisor
completing this checklist

Date

Signature of employee

Date

